

REMARKS

The Examiner has advanced a Restriction Requirement.

With respect to the restriction requirement, the Examiner requires Applicants to elect one of three (3) inventions allegedly disclosed in the above application vis-à-vis Groups 1-3.

In order to be fully responsive, Applicants elect the invention defined by the Group I claims (i.e., claims 1-9, drawn to a DNA encoding SEQ ID NO:2, expression vector, host cells and protein of SEQ ID NO:2, without prejudice to the prosecution of the non-elected claims in a related patent application.

For reasons appearing below, Applicants respectfully traverse the outstanding restriction requirement as set forth in the abode referenced Office Action.

Restriction of claims 1-9 (group I) and claim 13 (Group III) under 35 U.S.C. 120 is respectfully traversed. It is respectfully submitted that a search of the Group I claims, drawn to, *inter alia*, a protein of SEQ ID NO:2 would, of necessity include a search of the Group III claim, drawn to an antibody specific for said protein of SEQ ID NO:2.

As such, no savings of PTO resources will be achieved by enforcing the restriction requirement presently asserted. Accordingly, reconsideration and withdrawal of the requirement for restriction and/or regrouping of the claims, e.g., by combining Group I with the Group III claim.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144. Favorable reconsideration of the Restriction requirement is respectfully requested.

It is believed that the claims are in a condition for allowance and a notice to that effect is earnestly solicited.

Serial No.: 09/831,580
Case No.: 20333P
Page 3

If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

Respectfully submitted,

By 

Vineet Kohli
Reg. No. 37,003
Attorney for Applicant
MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3889

Date: 9/15/03